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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,552	03/29/2004	Efraim Atad	27616	8284

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EXAMINER	
TAYLOR, JOSHUA D	
ART UNIT	PAPER NUMBER
4157	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/810,552	ATAD ET AL.	
	Examiner	Art Unit	
	JOSHUA TAYLOR	4157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *28 January 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *29 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

In response to the rejection of claim 1, applicant argues that claim 1 defines "rooftop video broadcast receiving installations modified with a terrestrial bi-directional antenna and network transmission support electronics," which, in other words, teaches a single rooftop installation that combines broadcast reception with a bi-directional antenna and network transmission support electronics.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a single rooftop installation) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to the rejection of claim 14, applicant argues that "while [the cited] paragraphs do mention a network that could be wireless and a network that could be cable, there is no teaching of *one* network having *two parts,* one being wireless and one being cable." First, Reisman does cite that "transmission may be one-way, such as broadcast, or two-way (Reisman, paragraph [0086], lines 16-17)." Second, a common definition for "network" is "a series of points interconnected by communications paths," and so a network inherently can have different parts. Reisman cites many possible paths in the cited sections, paragraph [0085]-[0087].

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-
(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent; or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, *except* that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English.

2. Claims (1, 4-9, 12-15) rejected under 35 U.S.C. 102(e) as being anticipated by Reisman, US 2004/0031058 A1.

Regarding claim 1, Reisman discloses as claimed:

A wide area network for bi-directional transmission between a plurality of user nodes and a central source node, at least some of the user nodes comprising rooftop video broadcast receiving installations modified with a terrestrial bi-directional antenna and network transmission support electronics (paragraph [0150] lines 6-14, fig. 1).

Regarding claim 4:

The wide area network of claim 1, wherein said rooftop video broadcast receiving installations are satellite receiving installations (paragraph [0090], lines 1-10).

Regarding claim 5:

The wide area network of claim 1, wherein said rooftop video broadcast receiving installations are terrestrial broadcast receiving installations (paragraph [0090], lines 1-10).

Regarding claim 6:

A wide area network system, comprising: a central source node, a plurality of base nodes connected via cable infrastructure to said central node, and a plurality of user nodes, at least some of the user nodes comprising rooftop video broadcast receiving installations modified with a terrestrial bi-directional antenna and network transmission support electronics (paragraphs [0090], [0150]).

Regarding claim 7:

The wide area network system of claim 6, wherein the cable infrastructure is hybrid fiber coax (HFC) infrastructure (paragraph [0085], line 6).

Regarding claim 8:

The wide area network system of claim 6, wherein a wide area network transmission standard is used over said cable infrastructure (paragraph [0087]).

Regarding claim 9:

The wide area network system of claim 8; where said transmission standard

is at least one of IEEE 802.16 standard or the IEEE 802.20 standard (paragraph [0085], lines 19-20).

Regarding claim 12:

The wide area network system of claim 6, wherein said rooftop video broadcast receiving installations are satellite receiving installations (paragraph [0090], lines 1-10).

Regarding claim 13:

The wide area network system of claim 6, wherein said rooftop video broadcast receiving installations are terrestrial broadcast receiving installations (paragraph [0090], lines 1-10).

Regarding claim 14:

A hybrid cable and wireless bidirectional transmission network comprising a wireless network part and a cable part and wherein a wide area network transmission standard is used over both said wireless network part and said cable part (paragraphs [0085]-[0087]).

Regarding claim 15:

The hybrid cable and wireless bidirectional transmission network of claim

14, wherein said transmission standard is at least one of IEEE 802.16 standard or the IEEE 802.20 standard (paragraph [0085], lines 19-20).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in **Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966)**, that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows: ***(See MPEP Ch. 2141)***

a. Determining the scope and contents of the prior art;
b. Ascertaining the differences between the prior art and the claims in issue;
c. Resolving the level of ordinary skill in the pertinent art; and
d. Evaluating evidence of secondary considerations for indicating obviousness or nonobviousness.

4. Claims (2-3, 10-11) rejected under 35 U.S.C. 103(e) as being unpatentable over Reisman in view of Kalika et al, US 20070054670.

Regarding claim 2:

The wide area network of claim 1, wherein at least some of said user nodes comprise support for hotspot functionality, thereby to allow mobile communication devices to access said wide area network system.

Reisman does not teach of nodes comprising support for hotspot functionality. In an analogous art, Kalika teaches of nodes comprising support for hotspot functionality (paragraph [0092], lines 1-6).

Therefore, it would have been obvious to one with ordinary skill in the art to modify Reisman to include hotspot, as taught by Kalika, for the benefit of user knowing the areas of hotspot where user LAN and WAN would be active.

Regarding claim 3:

The wide area network of claim 2, Reisman teaches the wide area network of claim 2 wherein said support for hotspot functionality substantially comprises standard IEEE 802.11 (paragraph [0115], lines 11-17).

Regarding claim 10:

The wide area network system of claim 6, wherein at least some of said user nodes comprise support for hotspot functionality, thereby to allow mobile communication devices to access said wide area network system is rejected on the same grounds as Claim 2.

Regarding claim 11:

The wide area network system of claim 10, wherein said support for hotspot functionality substantially conforms to IEEE standard 802.11 is rejected on the same grounds as Claim 3.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA TAYLOR whose telephone number is (571)270-3755. The examiner can normally be reached on 8am-5pm, M-F, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vu Le can be reached on (571) 272-7332. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Josh Taylor/

/ABUL K. AZAD/
Primary Examiner, Art Unit 2626